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Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

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August 9, 2013

To: Supervisor Mark Ridley-Thomas, Chairman  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

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Fourth District

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Fifth District

### SACRAMENTO UPDATE

#### Executive Summary

This memorandum contains reports on the following:

- **Legislative Schedule.** An update on the Assembly and Senate's schedule, and upcoming legislative deadlines.
- **Pursuit of County Position on Legislation:**
  - **AB 803 (Hueso).** This measure would modify the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCBs) regulation of recycled water. Unless otherwise directed by the Board, consistent with the water supply and reliability principles adopted by the Board on October 5, 2007 to preserve existing water supplies and promote local supply reliability and conservation through various approaches including recycling, **the Sacramento advocates will support AB 803.**
  - **SCA 3 (Leno).** This measure would place an initiative on the 2014 ballot proposing to amend the State Constitution to require that local agencies comply with the current provisions of, and any future amendments to, the California Public Records Act (CPRA) and Ralph M. Brown Act at their own cost, and would set the precedent of exempting any future amendments to CPRA. Unless otherwise directed by the Board, consistent with existing policy to oppose new unfunded mandates unless

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they promote a higher priority, **the Sacramento advocates will express the County's concerns regarding SCA 3.**

- **Status of County-Sponsored Legislation - AB 506 (Mitchell)** - related to consent for HIV testing of an infant less than 12 months of age who is placed in foster care, passed the Assembly Floor on August 8, 2013 with concurrence of Senate amendments, and now proceeds to the Governor.
- **Status of County-Advocacy Legislation - County-supported AB 631 (Fox)** - related to enhancing math and English instruction for pupils attending juvenile court schools, passed the Assembly Floor on August 8, 2013 with concurrence of Senate amendments, and now proceeds to the Governor.

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### **Legislative Schedule**

The Assembly reconvened from its Summer recess on August 5, 2013 to consider various measures. The Senate will reconvene on August 12, 2013. The Legislature is scheduled to be in session until September 13, 2013, which is the last day for each house to pass legislation for the first year of the FY 2013-14 session. The last day for the Governor to sign or veto bills passed by the Legislature is October 13, 2013.

### **Pursuit of County Position on Legislation**

**AB 803 (Hueso)**, which as amended on June 25, 2013, would modify the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCBs) regulation of recycled water. Specifically, this bill would: 1) authorize the SWRCB and RWQCBs to permit advanced treated purified water projects at the point where highly treated water enters a conveyance facility exiting the treatment plant; 2) authorize the use of recycled water in cemeteries; and 3) define advanced treated purified water to mean water of wastewater origin treated with a treatment method at least as effective as membrane filtration, reverse osmosis, advanced oxidation, disinfection, and engineered reliability features or other suitable treatment as approved by the California Department of Public Health.

Existing law requires the California Department of Public Health to establish uniform Statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health. Existing law, pursuant to the Water Quality Control Act, requires that tertiary treated recycled water is only reportable at 50,000 gallons or more and that recycled water that is treated to less than a tertiary level is reportable at 1,000 gallons. Existing law also requires any person who, without regard to intent or negligence causes or permits any sewage or other waste, or the effluent of treated sewage or other waste to be discharged in or on any waters of the State, or where it probably will be discharged in or on any waters of the State, to immediately notify the local health officer or the director of health of the discharge.

According to the Department of Public Works (DPW), AB 803 would remove impediments that prevent or delay water agencies from providing recycled water and would also simplify the permitting process by deleting recycled water (i.e., tertiary or advanced treated sewage) from the definitions of waste under the Health and Safety Codes. DPW reports that, during the past two decades, researchers have made significant technological advancements in treating sewage at reclamation plants and that sewer water treated at most reclamation plants in California meets or exceeds public health standards for drinking water. Some of this water is delivered directly to customers through separate pipes for non-potable irrigation or industrial purposes; however, most treated recycled water is lost to the ocean and is underutilized or not reused because of outdated regulation.

The Department of Public Works notes that although it does not have specific projects that would currently benefit from the abridged permitting process proposed under AB 803, the DPW Waterworks Division anticipates using recycled water from the Lancaster and Palmdale Water Reclamation Plants in the future, along with storm water capture and other water conservation efforts, to maximize the use of recycled water and improve water supply reliability for residents of the Antelope Valley. The DPW also indicates that many water agencies in Los Angeles County have proposed recycled water projects that will divert and treat local sewer wastewater to infiltrate and recharge local groundwater supplies. For example, Foothill Municipal Water District is proposing to construct a 0.25 million-gallon-per day membrane bioreactor plant to treat sewage and construct infiltration galleries under a nearby athletic field to recharge the local groundwater for use instead of importing water.

The Department of Public Health indicates that AB 803 would allow cemeteries to implement long-postponed conversions of their irrigation systems from potable water sources to recycled water sources.

This office, the Department of Public Works, and the Department of Public Health support AB 803. Therefore, unless otherwise directed by the Board, consistent with the water supply and reliability principles adopted by the Board on October 5, 2007 to preserve existing water supplies and promote local supply reliability and conservation through various approaches including recycling, **the Sacramento advocates will support AB 803.**

AB 803 is sponsored by WaterReuse and supported by the Association of California Water Agencies, California Association of Sanitation Agents, California Municipal Utilities Association, California Water Association, Contra Costa County Board of Supervisors, East Bay Municipal Utility District, Irvine Ranch Water District, Metropolitan Water District, Sacramento Regional County Sanitation District, San Diego County Water Authority, and San Gabriel Valley Water Association, among others. The bill is opposed by Russian River Watershed Protection Committee.

This measure is scheduled for a hearing in the Senate Appropriations Committee on August 19, 2013.

**SCA 3 (Leno)**, which as amended on June 20, 2013, would place a measure on the June 2014 Statewide Primary Election Ballot seeking voter approval to amend the State Constitution to require that local agencies comply with the current provisions of, and any future amendments to, the California Public Records Act (CPRA) and Ralph M. Brown Act (Brown Act) at their own cost. As previously reported, SCA 3 reflects the State's attempt to ensure that local agencies continue to meet the CPRA and Brown Act responsibilities while permanently eliminating the State's responsibility to reimburse local agencies for these mandated activities.

The California Public Records Act requires State and local agencies to make public records open to inspection by every person. Under current law, certain CPRA provisions regarding the processing of public records requests are deemed as State reimbursable mandates. The Brown Act requires that all meetings of a legislative body of a local agency be open and public. Several procedural provisions of the Brown Act had been reimbursable mandates. However, Proposition 30, the Temporary Taxes to Fund Education and Guaranteed Local Public Safety Funding, approved by the voters in November 2012, removed that State responsibility.

SCA 3, if approved by the voters, would exempt the State from having to reimburse agencies from any mandate claims related to the current provisions of CPRA and the Brown Act, as well as any future amendments or successor acts to both acts. The County has consistently complied with the current CPRA and Brown Act mandates without State reimbursement as would be required under SCA 3. However, the Executive Office of the Board, County Counsel and this office have concerns with the overbroad provisions that would exempt any future amendments to CPRA and the Brown Act from the State mandate claim process. The Executive Office of the Board notes that without these reimbursement criteria, local agencies would be unprotected from potentially burdensome and costly future legislative changes to CPRA and the Brown Act.

This office and the Executive Office of the Board recommend expressing the County's concerns with SCA 3 described above. Therefore, unless otherwise directed by the Board, consistent with existing policy to oppose new unfunded mandates unless they promote a higher priority, **the Sacramento advocates will express the County's concerns regarding SCA 3**. Additionally, this office and the Sacramento advocates, in collaboration with County Counsel, will work with the author's office and the Assembly Local Government Committee on amendments that would remove the provisions automatically exempting future CPRA and Brown Act amendments from State mandate reimbursement.

SCA 3 is opposed unless amended by the California Association of Clerks and Election Officials. In addition, the California State Association of Counties (CSAC),

Urban Counties Caucus, and League of California Cities have all expressed concerns with this measure. Specifically, CSAC indicates that SCA 3 could set a precedent in making statutory changes to reimbursable mandates in which politically popular mandates are placed before the voters to relieve the State from providing reimbursement to local governments, leaving the counties vulnerable to cost increases which they cannot control.

SCA 3 is supported by the California Newspaper Publishers Association, Common Cause, and Consumer Attorneys of California.

SCA 3 will be heard by the Assembly Local Government Committee on August 14, 2013.

#### **Status of County-Sponsored Legislation**

**County-sponsored AB 506 (Mitchell)**, which as amended on July 2, 2013, would allow a social worker, under specified conditions, to provide consent for an HIV test as part of the routine physical examination for infants less than 12 months of age who are placed in foster care, passed the Assembly Floor by a vote of 76 to 0 on August 8, 2013 with concurrence of Senate amendments. This measure now proceeds to the Governor.

#### **Status of County-Advocacy Legislation**

**County-supported AB 631 (Fox)**, which as amended on July 2, 2013, would authorize a county board of education to adopt and enforce a course of study that enhances instruction in mathematics and English language arts for pupils attending juvenile court schools, passed the Assembly Floor by a vote of 77 to 0 on August 8, 2013 with concurrence of Senate amendments. This measure now proceeds to the Governor.

We will continue to keep you advised.

WTF:RA  
MR:OR:IGEA:lm

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants